

ZB# 93-17

Thomas Leidy

18-4-4

Palem.

May 10, 1993

Need:

- ① Need it here.
- ② Title report - none available
- ③ Photos it here
- ④ Fees: 50.00 4 here.
250.00 if here.

Motion to sched P.H. Rd.

(ordered list / ~~agreement~~)

~~Not~~ Notice to 1
Sentinel
07/5/13.

Public Hearing:

June 14, 1993.

Area Variance

Approved.

(\$49.00 refund due Apr.)

file

MADE IN U.S.A.

NO. R753 1/3

ESSELTE

Oxford

#93-17-Heidy, Thomas
near yard

70

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

13460

June 9, 1993

Received of James Fielding \$ 50.00
Paying out 100 DOLLARS

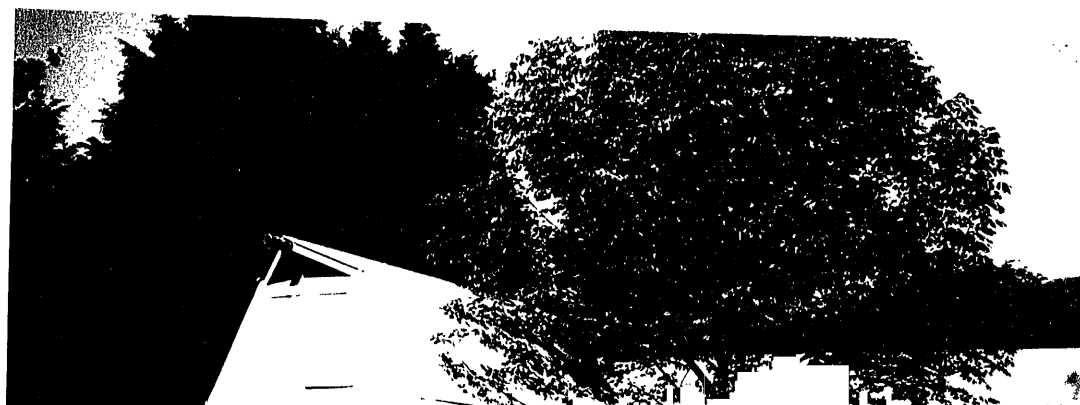
For J.P.H. # 93-17 - Voucher

DISTRIBUTION

FUND	CODE	AMOUNT
CL. # 162		\$ 50.00

By Pauline B. Towne
Town Clerk Title

WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

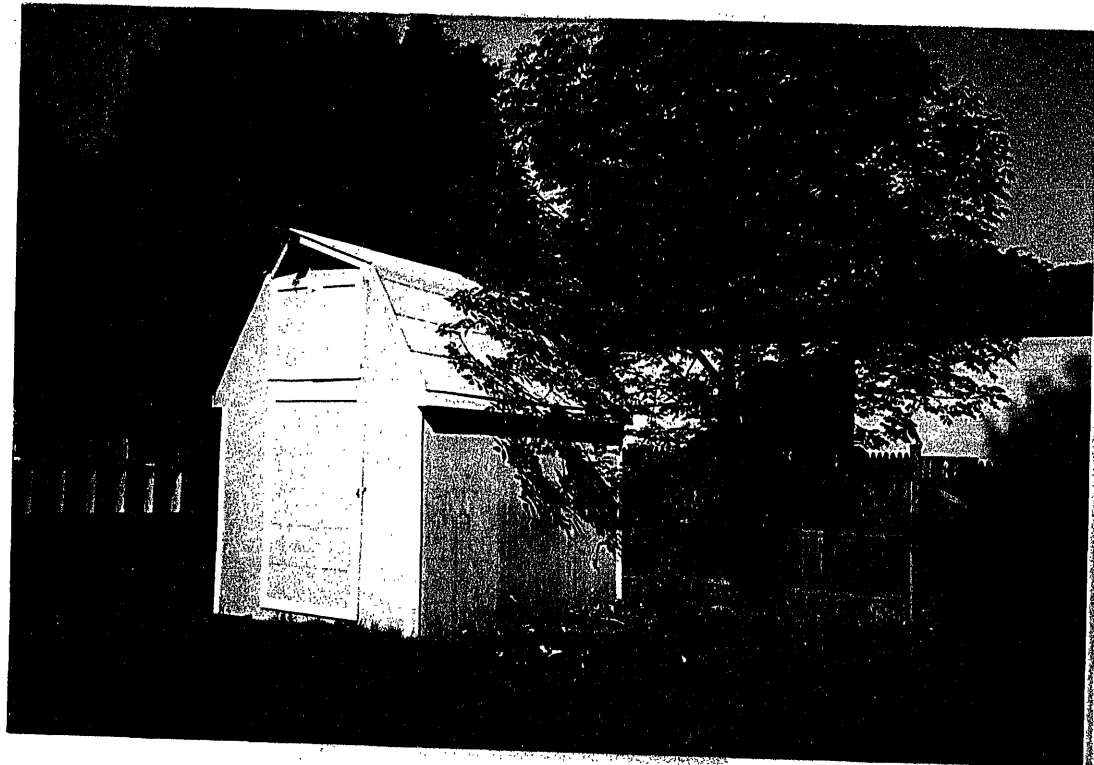


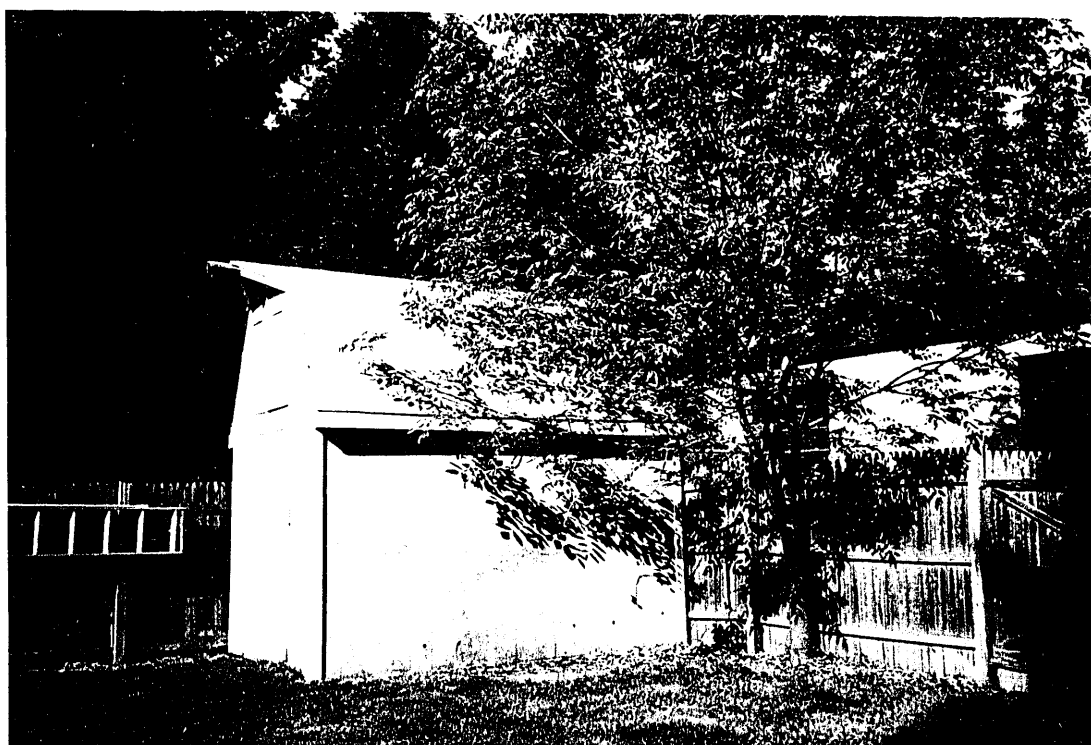
CH, #162		50-

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

Town Clerk

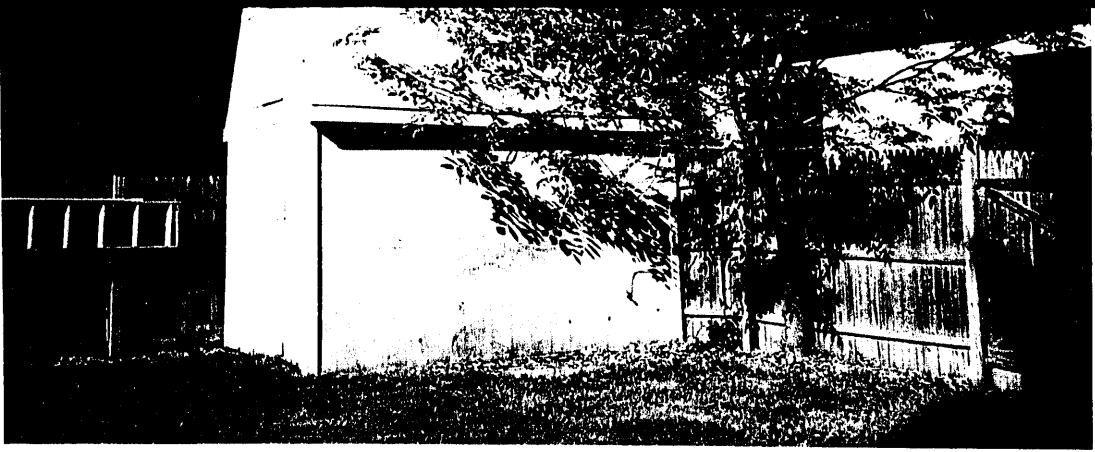
Title



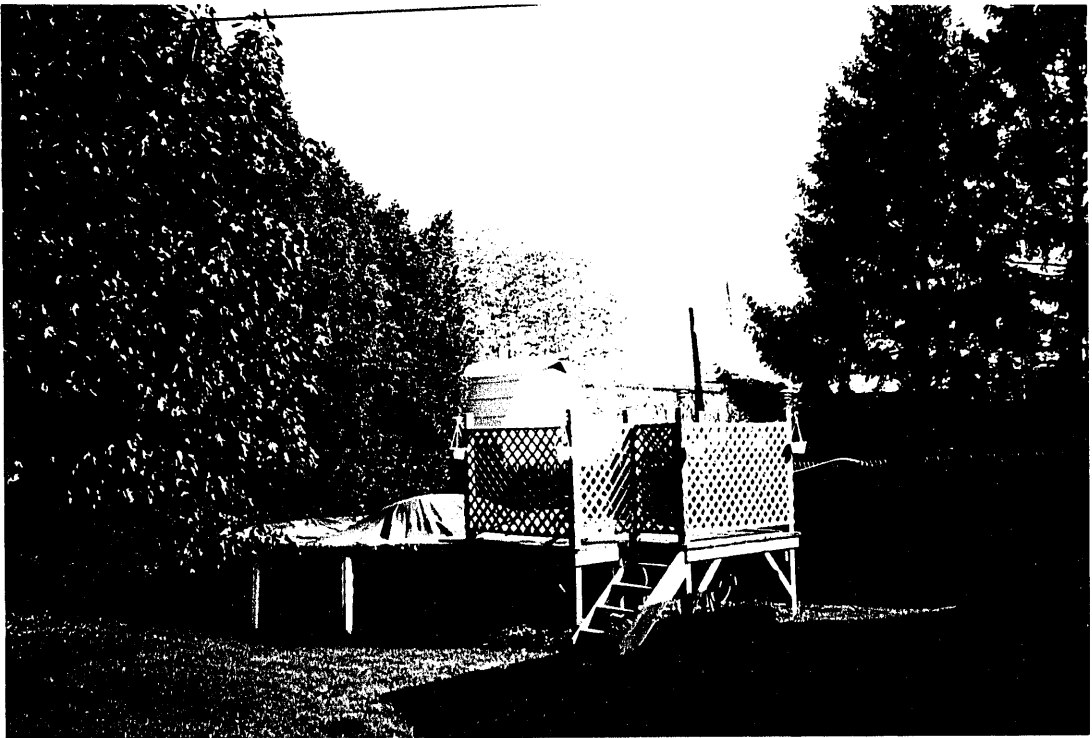


near yard





can yard



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Liddy Thomas

FILE # 93-17

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 pd. 6/9/93
* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 pd. 6/9/93
#

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 5/10/93 - 4 pages . . . \$ 18.00
2ND PRELIM. MEETING - PER PAGE 6/14/93 - 1 page . . . \$
3RD PRELIM. MEETING - PER PAGE . . . \$
PUBLIC HEARING - PER PAGE 6/14/93 - 4 pages . . . \$ 18.00
PUBLIC HEARING (CONT'D) PER PAGE . . . \$
TOTAL \$ 36.00

ATTORNEY'S FEES:

PRELIM. MEETING-	<u>0</u>	HRS.	\$	<u> </u>
2ND PRELIM.	<u> </u>	HRS.	\$	<u> </u>
3RD PRELIM.	<u> </u>	HRS.	\$	<u> </u>
PUBLIC HEARING	<u>.1</u>	HRS.	\$	<u> </u>
PUBLIC HEARING	<u> </u>	HRS. (CONT'D)	\$	<u> </u>
FORMAL DECISION	<u>1.0</u>	HRS.	\$	<u> </u>
TOTAL HRS.		<u>1.1</u>	@ \$ <u>150.00</u>	PER HR.	\$ <u>165.00</u>
TOTAL					\$ <u>165.00</u>

MISC. CHARGES:

_____ TOTAL \$ 201.00

LESS ESCROW DEPOSIT . . . \$ 250.00
(ADDL. CHARGES DUE) . . . \$
REFUND TO APPLICANT DUE . . . \$ 49.00 due

Date Sept. 14, 1993

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Thomas Hardy DR.

Charge: ZBA

DATE

CLAIMED

ALLOWED

7/14/93

Refund of Escrow deposit not used

49	00
----	----

Approved:

Jahira A. Bamhart, Secy.
ZBA.

ZBA

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

DECISION GRANTING
AREA VARIANCES

THOMAS LEIDY,

#93-17.

-----X

WHEREAS, THOMAS LEIDY, 200 MacArthur Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 10 ft. side yard variance and a 10 ft. rear yard variance for an existing shed located on the residential parcel at the above address located in a PI zone; and

WHEREAS, a public hearing was held on the 14th day of June, 1993 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared in behalf of himself and spoke in support of the application; and

WHEREAS, one of the applicant's neighbors, a MR. ARTHUR MILLER, returned the notice of public hearing to the Zoning Board of Appeals with the notation that he had no objection; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to rear and side yard in order to allow an existing shed (accessory building) to remain in its present location at his residential dwelling in a PI zone. In addition, the applicant is seeking permission to vary the provisions of the Zoning Local Law of the Town of New Windsor at Section 48-14(A)(1)(b) which provides that an accessory building (which includes the shed in question) shall be set back ten (10) feet from any lot line.

3. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable side yard and rear yard would be required in order for applicant to obtain a certificate of occupancy for the existing shed located at the applicant's residential dwelling, which otherwise would conform to the bulk regulations in the PI zone.

4. The evidence presented by the applicant indicated that applicant constructed the shed which is approximately 9 ft. by 12 ft. on a gravel or stone foundation, about 4 to 5 years ago, apparently without applying for a building permit. Applicant is now considering a sale of the residence and must seek a variance to allow the shed to remain in its present location.

5. The applicant now submits the instant application for area variances in order to try to obtain a Certificate of Occupancy for the existing shed.

6. The evidence presented by the applicant indicated that his lot is approximately 175 ft. deep by 50 ft. wide. The 50 ft. width of the yard would cause this shed to be located in the middle of the applicant's rear yard if it were constructed in a location that complied with the required set backs. Such a location would not be functional, since it would deprive the applicant of a large area in the center of the yard, and thus would degrade the utility and value of the property and the shed.

7. The evidence presented by the applicant substantiated the fact that, although the shed is located right at his rear property corner, its impact on the neighboring properties is ameliorated by fencing which the applicant has constructed around his rear and side yards, which effectively conceals the shed from view.

8. The evidence presented by the applicant further substantiated the fact that the requested variances, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the shed is quite well concealed from view of the neighbors and does not detract from the mixed uses in the neighborhood.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial in relation to the bulk regulations for side yard and rear yard. However, it is the conclusion of this Board that the granting of the requested substantial area variances is warranted here because the narrow lot width makes any other location less functional and diminishes the utility of the rear yard. The presence of substantial fencing around the rear and side yards minimizes the adverse impacts on the neighborhood.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is a self-created one since apparently he did not apply for a building permit for the shed. He now is seeking to rectify the situation by the appropriate application to this Board.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 10 ft. side yard variance and a 10 ft. rear yard variance in order to allow an existing shed at the above location in a PI zone to remain in its present location, as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: September 13, 1993.

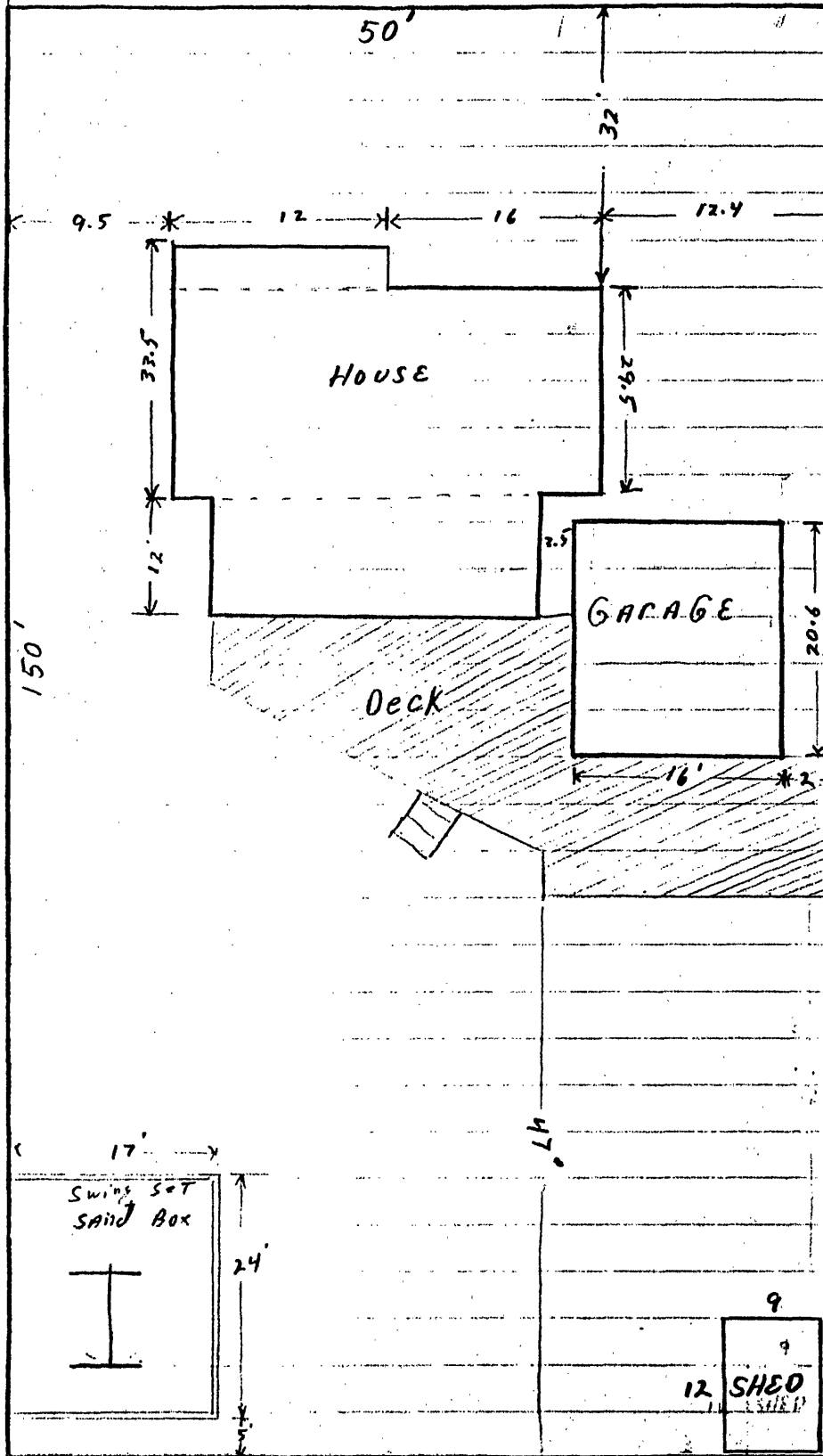

Chairman

(ZBA DISK#9-101992.FD)

MAC ARTHUR AVE

IBM-LE- 85

N



W

Rec'd.
6/1/93 26A

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 17

Request of Thomas Leidy

for a VARIANCE

of

the regulations of the Zoning Local Law to

permit existing shed with insufficient
rear & side yard;

being a VARIANCE

of

Section 48-14-Table of Use/Bulk Regs. - Cols. F, G.
for property situated as follows:

200 MacArthur Avenue, New Windsor,
NY, known as tax map Section 18-
Blk. 4 - Lot 4.

SAID HEARING will take place on the 14th day of

June, 1993, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

we have no objection.
(Mid Hudson Neon)

James Nugent.
Chairman

Sincerely yours,
Arthur Miller

Date 6/30/93, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 172 Moores Hill Rd DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
6/14/93	New Windsor Zoning Board		75 00	
	Misc. 1			
	Jones - 11			
	Toyota - 10			
	Greene - 9			
	Berry - 4			
	Leidy - 4 18.00			
	La Casa D'oro, Inc - 7			
	DeDominicis - 2		216 00	
	<u>45pp</u>			
			291 00	
			- 46 00	per 5/24
			<u>245 00</u>	

June 14, 1993

36

PUBLIC HEARING:

LEIDY, THOMAS

and 8' 10" ft. sideyard

MR. NUGENT: Request for 10 ft. rear yard variances for existing shed located at 200 MacArthur Avenue in a PI zone.

Mr. Thomas Leidy appeared before the board for this proposal.

MR. LUCIA: I notice that subsequent to our preliminary, we have a new sketch of the property and now you're showing offsets of the house and garage and everything to the property lines we didn't have that initially.

MR. LEIDY: What I am doing I'm in the midst of selling the house so I am trying to keep everything up to par there and the last time the house was surveyed was when they originally bought it back in '52. I got all my C.O.s and paperwork.

MR. LUCIA: The house and garage goes back to be at least 1952.

MR. LEIDY: Yes.

MR. LUCIA: Because some of the clearances were close so you're okay. Also thank you for giving me a copy of the deed. I gather you don't have title policy or you didn't have one available? Deed refers to certain covenants and restrictions of record as your property is subject to. Is there anything in those covenants, restrictions, easements, anything affecting title to this property which would prohibit you from maintaining the structure you're now seeking a variance?

MR. LEIDY: No.

MR. LUCIA: Thank you.

MR. NUGENT: What factory is that, what building is

this?

MR. LEIDY: Machine shop back there, used to be Automotive Brake years ago.

MR. NUGENT: While we're waiting to look at the pictures, we have a letter from Arthur Miller, basically what it is says we have no objections.

MR. LUCIA: That was actually returning the legal notice.

MR. NUGENT: Yes but they wrote on the bottom.

MR. TORLEY: Looks like that shed and the fence are a real asset to the property.

MR. LEIDY: It's been there a while, the trees have blended.

MR. HOGAN: The picture from the pool is from your neighbor's side?

MR. LEIDY: Yes.

MR. LUCIA: And the fencing conceals the shed from the neighbors view?

MR. LEIDY: He can see the roof top of it.

MR. LUCIA: Is that your fencing or anybody's?

MR. LEIDY: That is my fencing, yes.

MR. NUGENT: For the record, we have to note that there's no one in the audience for the public hearing and at this time, I'll close the public hearing and open it back up to the board and I'll entertain a motion.

MR. LUCIA: Just let me address a couple questions to Mr. Leidy. Do you feel that an undesirable change will be produced in the character of the neighborhood or detriment will be created to nearby properties if this area variance is granted?

MR. LEIDY: No, it's looks nice, there's nothing wrong with that.

MR. LUCIA: Is the benefit which you seek here achieveable by some other method feasible for you to pursue other than an area variance?

MR. LEIDY: No, that is why I went for it, it's a little too heavy to move and the property is only 50 feet across to put it in the middle of my yard wouldn't look too good.

MR. LUCIA: Is the requested area variance substantial that is in terms of numbers? You're looking, it's flush up against the property line, you're looking for the whole ten feet on both rear yard and side yard so I guess you'd have to say it is substantial in relation to the variance but in relation to the ordinance but you say there's just no other place to put it given the width of the property?

MR. LEIDY: You only have 50 feet across and move it over you don't have much of a yard, no, you move around this shed, you know, it would be not much of a yard then.

MR. LUCIA: Would the proposed variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood or zoning district?

MR. LEIDY: I don't believe so.

MR. LUCIA: And was this difficulty self-created, you put up the shed yourself?

MR. LEIDY: Yes.

MR. LUCIA: But you're now doing what you can to rectify the situation?

MR. LEIDY: Yes.

MR. LUCIA: Thank you.

June 14, 1993

39

MR. TANNER: Make a motion we grant the variance for ten foot rear yard variance.

MR. TORLEY: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. NUGENT	AYE
MR. TANNER	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE

MR. BABCOCK: Just one correction to Mr. Tanner, it's a ten foot rear yard and a ten foot side yard.

MR. TANNER: On here it only says rear.

MR. BABCOCK: We modified the denial last time.

MR. TANNER: Amend my motion to include rear and side yard.

MR. TORLEY: I'll second the amendment.

ROLL CALL

MR. TORLEY	AYE
MR. NUGENT	AYE
MR. TANNER	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE

Prelim
May 10, 1993
7:30 pm

93-17

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MAY 5, 1993

APPLICANT: THOMAS LEIDY
200 MAC ARTHUR AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: MAY 5, 1993
FOR (BUILDING PERMIT): OF EXISTING 9' X 12' SHED
LOCATED AT: 200 MAC ARTHUR AVENUE

ZONE: F-I

DESCRIPTION OF EXISTING SITE: SECTION 18 BLOCK 4 LOT 4
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. DOES NOT MEET MINIMUM 10 FOOT SETBACK FROM LOT LINE

Frank Lisi
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: F-I	USE 48-14 A. (1)(B)	
REQ'D REAR YD.	10FT.	0FT. 10FT.
REQ'D SIDE YD.	10FT	0FT 10 FT
APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT 914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD		

CC: Z.B.A., APPLICANT, B.P. FILES.

REVISED
5-10-93

Steel

Need VMA/...

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises THOMAS S. LEIDY
Address 200 MAD RATHER AVE 12557 Phone 561-4505 (919)-481-2668

Name of Architect
Address Phone

Name of Contractor
Address Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer:

.....
(Name and title of corporate officer)

1. On what street is property located? On the WEST side of MAD RATHER AVE
(N.S.E. or W.)
and feet from the intersection of P-1
2. Zone or use district in which premises are situated Is property in flood zone? Yes... No...

CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises THOMAS S. LEIDY
Address 200 MAG. BATHUR AVE 12557 Phone 561-4505 (919)-481-2668
Name of Architect
Address Phone
Name of Contractor
Address Phone
State whether applicant is owner, lessee, agent, architect, engineer or builder.....
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the WEST side of MAG. BATHUR AVE
(N.S.E. or W.)
and feet from the intersection of
2. Zone or use district in which premises are situated P-1 Is property a flood zone? Yes..... No.....
3. Tax Map description of property: Section 18 Block 4 Lot 4
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy..... b. Intended use and occupancy.....
5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair.....
Removal..... Demolition..... Other EXIST 9x12 WOOD SHED
6. Size of lot: Front Rear..... Depth..... Front Yard..... Rear Yard..... Side Yard.....
Is this a corner lot?
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms..... Baths..... Toilets.....
Heating Plant: Gas..... Oil..... Electric/Hot Air..... Hot Water.....
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
10. Estimated cost..... Fee.....
(to be paid on this application)
11. School District

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....4.../...21.....19.9.3...

INSTRUCTIONS

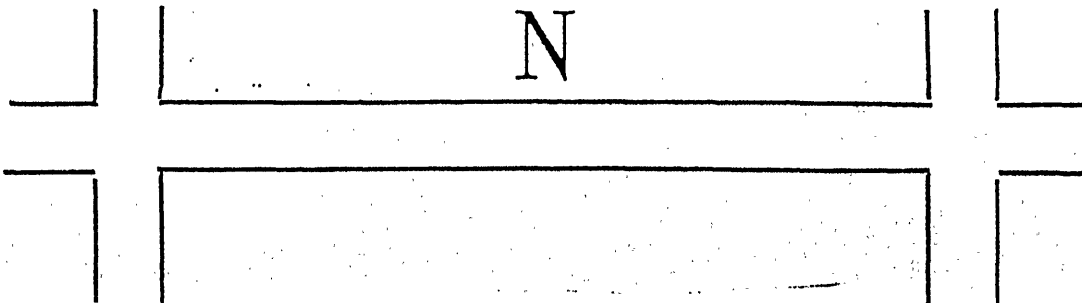
- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
(Signature of Applicant) (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer to:
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT
Pursuant to New York State Building Code and Town Ordinances

Date.....4.../2...19.9.3...

INSTRUCTIONS

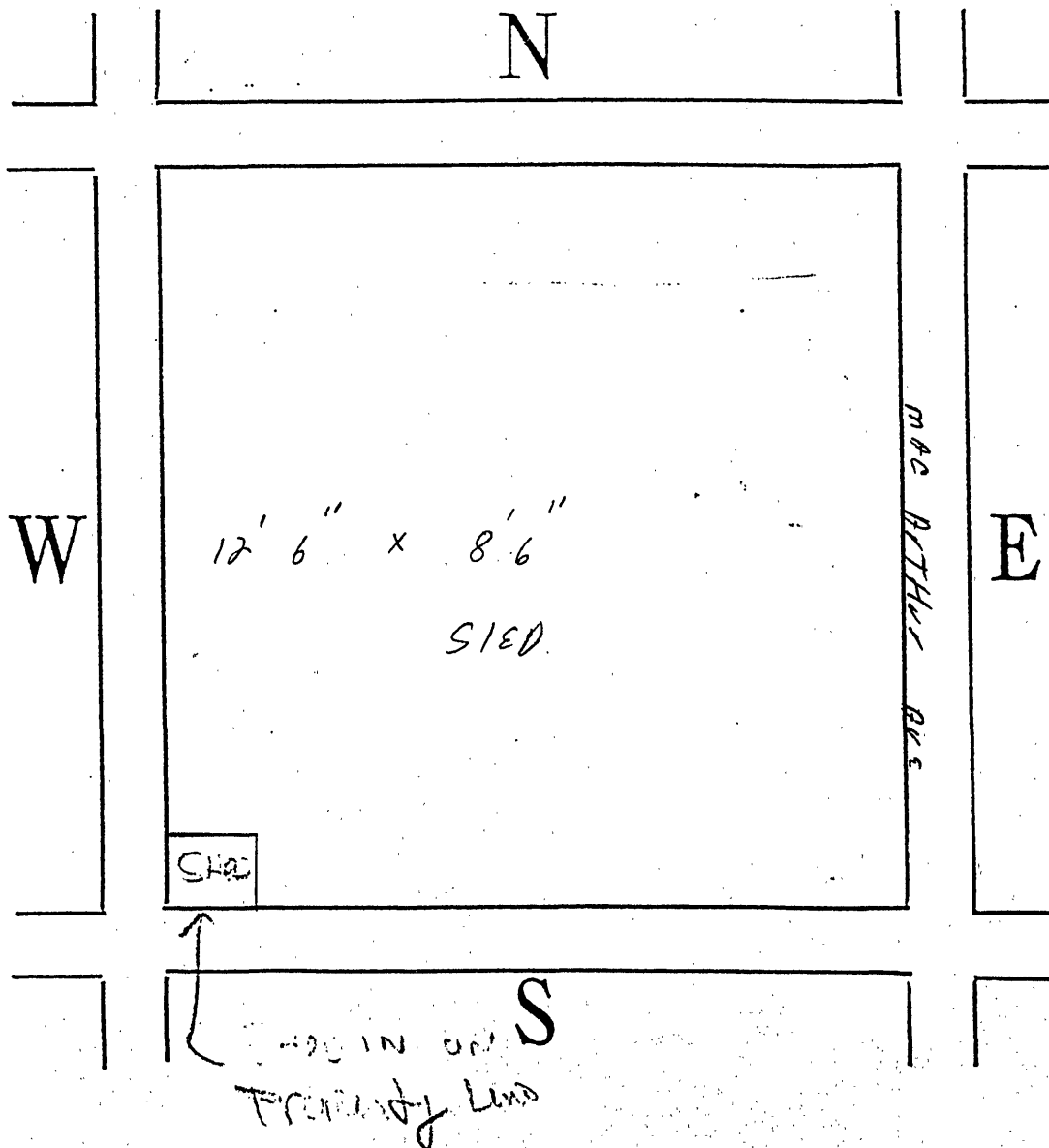
- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Thomas A. Smith.....
(Signature of Applicant) (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



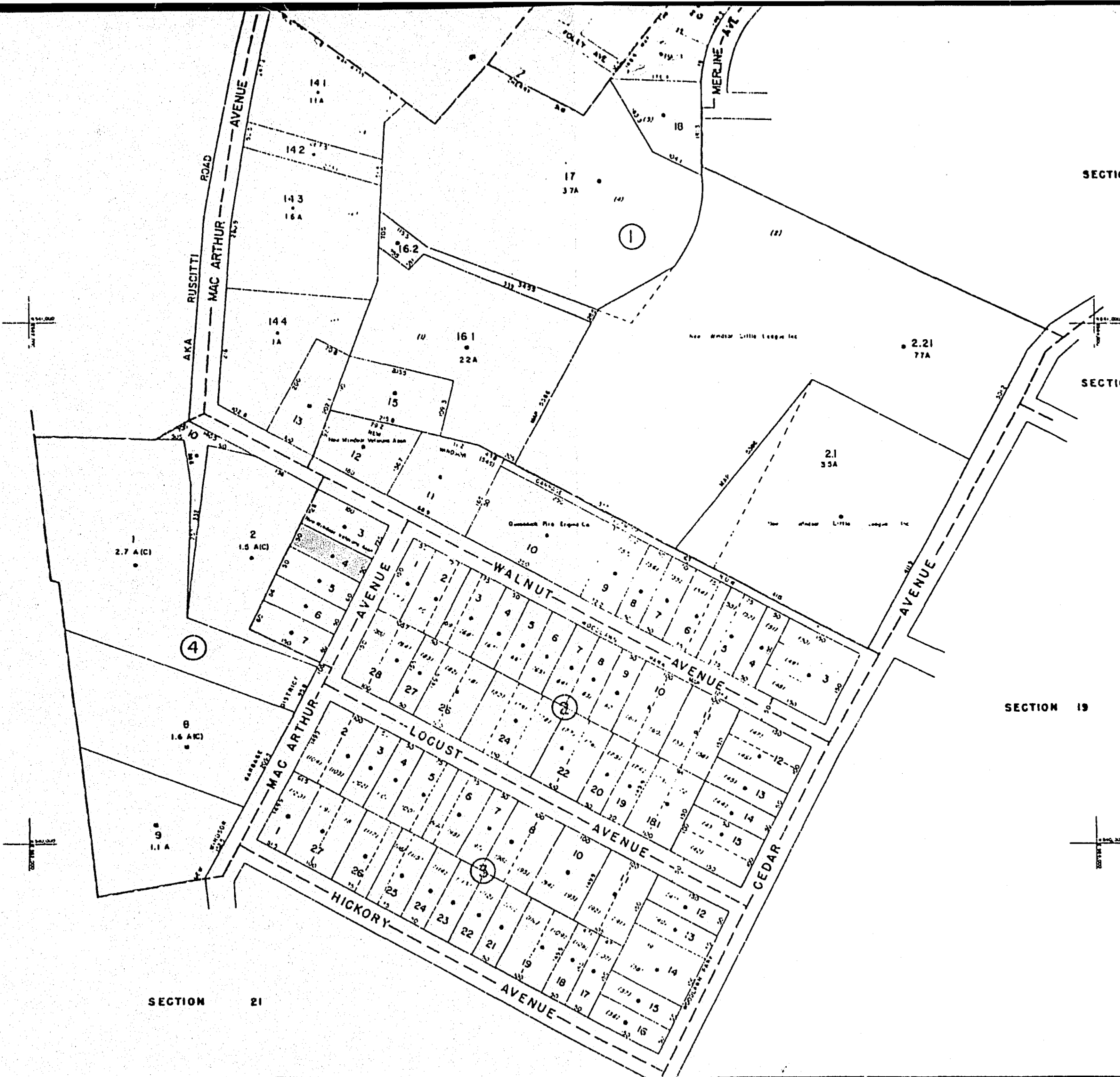
SECTION 9

SECTION 15

SECTION 16

SECTION 19

SECTION 21



Prepared by
AERO SERVICE CORPORATION
A DIVISION OF AEROSPACE SERVICES
400 WEST 100TH STREET, NEW YORK, N.Y. 10025
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY, TOWN OR VILLAGE	BASELINE LINE	TAX MAP PLOT NO.	FILED PLAN PLOT NO.
BLOCK & SECTION LIMIT	WATCH LINE	AREA	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS	COUNTY HIGHWAYS
PROPERTY LINE			TOWN ROADS

ORANGE COUNTY-NEW YORK
Photo No. 14 30,31,32 Date of Map 9-24-67
Date of Photo 3-1-63 Date of Revision 3-1-91
Scale 1" = 100'

TOWN OF NEW WINDSOR
Section No. 18

ALL NEWBURGH SCHOOL DISTRICT
ALL QUASSACK BRIDGE FIRE DISTRICT

Date 5/21/93, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth 389 Moores Hill Rd DR.

New Windsor Ny 12553

DATE		CLAIMED	ALLOWED
5/10/93	Zoning Board Meeting	75	00
	Misc - 2		
	KWG - 12 - 54.00-		
	Leidy - 4 - 18.00		
	Harris - 21 - 94.50.		
	Collins - 6 - 27.00.		
	<u>45</u>	202	50
		<u>322</u>	<u>50</u>

LEIDY, THOMAS

Mr. Thomas Leidy appeared before the board for this proposal.

MR. TORLEY: Request for 10 ft. rear yard variance for existing shed located at 200 MacArthur Avenue in a PI zone. Tell us what you want to do.

MR. LEIDY: I'm not sure really what I am doing, I just need a variance for the shed that is in the back of my yard.

MR. LUCIA: Shed is located within I guess both the required rear and side yard, it's closer than ten feet to the property line and under section 48-14 A1b, it's permitted in the rear side yard provided it is set back at least ten feet from the lot line.

MR. TORLEY: Is this--

MR. BABCOCK: Should there be 2, one for rear, one for side now it's been stated that way.

MR. LUCIA: Probably technically it should be.

MR. BABCOCK: It is the same section of the code.

MR. LUCIA: But it does violate both the offset from side and rear yard.

MR. LANGANKE: What kind of shed is it?

MR. LEIDY: Just a barn, 9 by 12.

MR. TORLEY: Could you move it in?

MR. LEIDY: If you get a crane and move it which way is the cheapest way plus the yard is only 50 feet across do I really want a shed in the middle of my yard, you know.

MR. HOGAN: Is the shed on a foundation?

MR. LEIDY: No, just on gravel, stone.

May 10, 1993

15

MR. HOGAN: Your property is, it's not clear.

MR. LEIDY: 50 by 175.

MR. HOGAN: This being the front of your house and this is the shed to the rear.

MR. LEIDY: Right, shed's in the corner.

MR. HOGAN: What's adjacent to you?

MR. LEIDY: My neighbor's yard and back here there's a company back there, industry, this side is the American Legion, it's basically this is all.

MR. HOGAN: You don't have any photos with you, do you?

MR. LEIDY: No, I don't.

MR. TORLEY: You're refinancing, this is how it came up?

MR. LEIDY: Yes, I'm in the midst of selling the home and I'm trying to get everything squared away on it, you know.

MR. TORLEY: Side yard and rear yard?

MR. BABCOCK: Yes.

MR. TORLEY: How much on the side yard?

MR. BABCOCK: It's right on the property line on both sides.

MR. LEIDY: Yeah.

MR. TORLEY: You're going to come up with a choice moving the shed or knocking it down, you're going to have to make your decision which way you want to go on it.

MR. LEIDY: I'd rather have the variance, it's too nice a shed to be knocking down.

MR. TORLEY: How long has the shed been there?

MR. LEIDY: Four, five years, maybe.

MR. TORLEY: Any questions?

MR. TANNER: No.

MR. HOGAN: No.

MR. TORLEY: Entertain a motion.

MR. HOGAN: Prior to that before we did a motion, next time you come for I assume we're goint to set up a public hearing, could you bring some photos of the property showing your neighbors to the side where the shed is and showing your neighbor to the rear if you can bring those to the public hearing?

MR. LEIDY: Yeah.

MR. HOGAN: I'll make the motion that we set him up for a public hearing.

MR. TANNER: Second it.

ROLL CALL

MR. HOGAN	AYE
MR. TANNER	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE

MR. LUCIA: I'll give you a copy of Section 267B of the Town Law just put a little arrow in the margin there, there are 5 specific factors when you come back you'll have to speak to. This board in order to grant you the variance you're looking for has to engage in a balancing test the benefit to you if we grant you the variance to leave the shed where it is as opposed to the detriment of the health, safety and welfare by changing what's required setbacks for the zone. So if you would just look that over and be prepared to speak to the 5 specific issues that are listed there. And

May 10, 1993

17

Pat will give you an application and there's an instruction sheet, read it over and fill it out, any questions give her a call. You'll have to return that the with two checks, one for \$50 application and \$250 deposit against Town consultant review fees and various disbursements the Town has in handling your application. Once we get that back, have the public hearing.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for Variance of

Thomas Leidy,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#93-17.
-----x

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On May 14, 1993, I compared the 43 addressed
envelopes containing the attached Notice of Public Hearing with
the certified list provided by the Assessor regarding the above
application for variance and I find that the addressees are
identical to the list received. I then mailed the envelopes in a
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
14th day of May, 1993).

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)

LIBER 2253 PG 1060

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 2nd day of June, nineteen hundred and eighty-three,
BETWEEN THOMAS S. LEIDY, JR. and ANN M. LEIDY, residing at
 200 MacArthur Avenue, New Windsor, New York (12550);

party of the first part, and THOMAS S. LEIDY, III, and KAREN K. LEIDY, husband
 and wife, residing at 266 Fosler Road, Wallkill, New York (12589);

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

-----TEN AND NO/100 (\$10.00)-----dollars,

lawful money of the United States, and other good and valuable considerations paid
 by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
 successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the Town of New Windsor, County of Orange, in the State
 of New York, as shown on a certain map entitled, "Woodlawn Park",
 located in the Town of New Windsor, Orange County, New York (lands of
 New Windsor Land Company, Inc.) revised October 1941 and filed in
 the Office of the Clerk of Orange County on October 28th, 1941,
 and more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of MacArthur Avenue, the
 said point being a distance of 70 feet measured in a southerly di-
 rection along said lines of MacArthur Avenue from the point of
 intersection of the southerly line of Walnut Street, when extended,
 and the westerly line of MacArthur Avenue, and runs thence from
 said point of beginning South 35° 12' West along said lines of
 MacArthur Avenue 50 feet to a point, thence through lands of the
 NEW WINDSOR LAND COMPANY, INC., North 52° 36' West 150 feet to a
 point, thence North 35° 12' East 50 feet to a point, thence south
 52° 36' East 150 feet to the point or place of beginning.

BEING the same premises conveyed to the grantees herein on April 26,
 1951, and recorded April 30, 1951, in Liber 1193 of Deeds at Page 526,
 in the office of the Clerk of Orange County; which said deed con-
 tained a restrictive covenant among other items and said restrictive
 covenant was recorded by the Clerk of Orange County on April 27, 1951.

party of the first part, and THOMAS S. LEIDY, III, and KAREN K. LEIDY, husband and wife, residing at 266 Fosler Road, Wallkill, New York (12589);

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

-----TEN AND NO/100 (\$10.00)-----dollars,

lawful money of the United States, and other good and valuable considerations paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, in the State of New York, as shown on a certain map entitled, "Woodlawn Park", located in the Town of New Windsor, Orange County, New York (lands of New Windsor Land Company, Inc.) revised October 1941 and filed in the Office of the Clerk of Orange County on October 28th, 1941, and more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of MacArthur Avenue, the said point being a distance of 70 feet measured in a southerly direction along said lines of MacArthur Avenue from the point of intersection of the southerly line of Walnut Street, when extended, and the westerly line of MacArthur Avenue, and runs thence from said point of beginning South 35° 12' West along said lines of MacArthur Avenue 50 feet to a point, thence through lands of the NEW WINDSOR LAND COMPANY, INC., North 52° 36' West 150 feet to a point, thence North 35° 12' East 50 feet to a point, thence south 52° 36' East 150 feet to the point or place of beginning.

BEING the same premises conveyed to the grantees herein on April 26, 1951, and recorded April 30, 1951, in Liber 1193 of Deeds at Page 526, in the office of the Clerk of Orange County; which said deed contained a restrictive covenant among other items and said restrictive covenant was amended by instrument dated the 27th day of June, 1952, between the New Windsor Land Co., Inc. and the parties of the first part herein, and recorded in the Office of the Clerk of the County of Orange on the 12th day of July, 1952, in Liber 1236 of Deeds at Page 466.

This deed is given subject to the balance of the restrictions set forth in the original deed to the grantees herein set forth above.

xd
m/z

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for

...ors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Thomas S. Leidy Jr. (L.S.)
Thomas S. Leidy Jr.

Ann M. Leidy (L.S.)
Ann M. Leidy

On the 2nd day of June 1983, before me personally came THOMAS S. LEIDY, JR. and ANN M. LEIDY

to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Eunice E. Crudele
Notary Public

Eunice E. Crudele
Notary Public - Orange County
#5869590
Comm, Expires March 30, 1984

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19 , before me personally came
to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the
of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19 , before me personally came
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

THOMAS S. LEIDY, JR. and
ANN M. LEIDY

TO

THOMAS S. LEIDY, III, and
KAREN K. LEIDY

SECTION

BLOCK

LOT

COUNTY OR TOWN

RETURN BY MAIL TO:

JERALD FIEDELHOLTZ, P.C.
270 Quassaick Avenue
P.O. Box 4088
New Windsor, NY

Zip No. 12550

and Examined.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

93-17

Date: 5/11/93

I. Applicant Information:

- (a) TOM LEIDY 200 MAC ARTHUR AVE 561-4505
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ☒ Property Information:

- (a) P-1 (same as above) 18 4 4 50 x 150 ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes.
- (d) When was property purchased by present owner? 1983.
- (e) Has property been subdivided previously? No.
- (f) Has property been subject of variance previously? No.
If so, when? _____.
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NA
- _____
- _____
- _____
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

(b) ^{N/A} The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. ✓ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 78-12, Table of Use/Bulk Regs., Cols F, G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>10 ft.</u>	<u>0 Ft.</u>	<u>10 ft.</u>
Reqd. Rear Yd. <u>10 ft.</u>	<u>0 Ft.</u>	<u>10 ft.</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

Due to the lot size - this was the only feasible
area for a tool shed and to retain the yards
clean + neat appearance. We were unable to purchase
other property in which to place the shed. The shed poses
no adverse effect on traffic or the surrounding neighbors.

(You may attach additional paperwork if more space is needed)

^{N/A}
VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

^{N/A} (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

_____.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

_____.

VII. Interpretation. ^{N/A}

(a) Interpretation requested of New Windsor Zoning Local Law,
Section _____, Table of _____ Regs.,
Col. _____.

(b) Describe in detail the proposal before the Board:

_____.

VIII. [✓]Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

It is a well constructed, miniature barn type - shed and is neat in its appearance

_____.

IX. [✓]Attachments required:

 X Copy of referral from Bldg./Zoning Insp. or Planning Bd.
 X Copy of tax map showing adjacent properties.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(43)

May 12, 1993

Thomas S. III & Karen K. Leidy
200 MacArthur Ave.
New Windsor, NY 12553

Re: Tax Map Parcel: 18-4-4

Dear Mr. Leidy:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00. Please remit the balance of \$40.00 to the Town Clerk's office.

Sincerely,

Leslie Cook
SOLE ASSESSOR

LC/cad
Attachments
cc: Pat Barnhart

New Windsor Little League Inc.
PO Box 4024
New Windsor, NY 12553

Whalen, Theresa Margaret
14 Walnut St.
New Windsor, NY 12553

Brown, Lester M. & Hildegard W.
16 Walnut St.
New Windsor, NY 12553

Quassaick Fire Engine Co. of New Windsor NY Inc.
Walsh Ave.
New Windsor, NY 12553

Abbruscato, John F. & Marie
5 Buttonwood Dr.
New Windsor, NY 12553

New Windsor Veterans Association Inc.
Walnut St.
New Windsor, NY 12553

Miller, Arthur
32 Walnut St.
New Windsor, NY 12553

Amoia, Anthony
c/o A & R Concrete Products Specialties Inc.
Ruscitti Rd.
New Windsor, NY 12553

Waxtel, Robert E. & Edward Smith & Five Post Development Corp.
PO Box 255
Wallkill, NY 12589

Amoia, Anthony & Joseph & Michael & Mark
c/o A & R Concrete Products
Ruscitti Rd.
New Windsor, NY 12553

Grieco, Alfred & Ethel E.
27 Walnut St.
New Windsor, NY 12553

Kaiser, Joan
25 Walnut St.
New Windsor, NY 12553

Pallazzo, Vincent M. & Priscilla
23 Walnut St.
New Windsor, NY 12553

Chernek, Joseph & Ann B.
21 Walnut St.
New Windsor, NY 12553

Weinheim, Sidney H. & Madelyn M.
19 Walnut Ave.
New Windsor, NY 12553

Smith, Victor J. Jr. & Debra J.
17 Walnut Ave.
New Windsor, NY 12553

Fescue, John Joseph & Frances M.
15 Walnut St.
New Windsor, NY 12553

Palmieri, Vincent
13 Walnut St.
New Windsor, NY 12553

Bento, Kenneth & Joaquim Jr.
16 Grand Ave.
Newburgh, NY 12550

DeOliveria, Anthony & Anna
c/o Harrison
14 Union St.
Cornwall, NY 12518

Ray, Gordon C. & Barbara Jean
18 Locust Ave.
New Windsor, NY 12553

James Jr, Joseph & Barbara McDaniel
7 Lilly St.
Newburgh, NY 12550

Sinopoli, Vincenzo & Caterina
4717 Chesapeake St. NW
Washington, DC 20016

Earley, Betty Jean
23 Locust Ave.
New Windsor, NY 12553

Ruscitti, Nicholas J. & Helen
21 Locust Ave.
New Windsor, NY 12553

Tompkins, William F. Jr. & Margaret
19 Locust Ave.
New Windsor, NY 12553

Chewens, John H. & Bernadette H.
PO Box 310
Highland Falls, NY 10928

Cimorelli, Thomas A. & Mary Ann
15 Locust Ave.
New Windsor, NY 12553

Stvrtecki, William A. & Barbara J.
310 Brittany Terrace
Rock Tavern, NY 12575

Dayton, Julia V.
c/o Araiza, Julia
PO Box 341
Vails Gate, NY 12584

Berean, Terrence J. & Deborah L.
22 Hickory Ave.
New Windsor, NY 12553

Sinopoli, Vincenzo & Caterina
c/o A Sinopoli
4717 Chesapeake St. NW
Washington, DC 20016

Miller, Mary Y.
c/o Hilton Gibson & Miller Inc.
PO Box 1237
Newburgh, NY 12550

Classic Tool Design, Inc.
31 Walnut St.
New Windsor, NY 12553

Steger, Richard C. & Sharon A.
202 MacArthur Ave.
New Windsor, NY 12553

Hoffman, James M. & Patricia
204 MacArthur Ave.
New Windsor, NY 12553

Eighty-Eight Properties Ltd.
100 Red School House Rd.
Chestnut Ridge, NY 14094

Cel-U-Dex Corporation
23 MacArthur Ave.
New Windsor, NY 12553

Hilton Gibson & Miller Inc.
PO Box 1237
Newburgh, NY 12550

Landman Rt. 32 New Windsor Corp.
c/o ADA Management Corp.
Butcher Boys
Route 52
Liberty, NY 12754

Devitt, John L.
59 Windsor Hwy.
New Windsor, NY 12553

Dennison Monarch Systems, Inc.
c/o Mr. Dennis Hurley
Avery Dennison Corp.
321 Fortune Blvd.
Milford, MA 01757

J.N.G. Realty
25 Walnut St.
New Windsor, NY 12553

NEW WINDSOR ZONING BOARD OF APPEALS

In the Matter of the Application of
ANTHONY COCHI,

DECISION GRANTING
AREA VARIANCES

#93-17.

WHEREAS, ANTHONY COCHI, 15 Wayland Way, Rock Tavern, N. Y. 12575, has made application before the Zoning Board of Appeals in order to erect a 6 ft. high fence on his corner lot, contrary to Sections 48-14C(1)c[1] and 48-14A4 of the Supplementary Yard Regulations, said fence to be located on the above residential parcel in an R-1 zone; and

WHEREAS, a public hearing was held on the 13th day of September, 1993 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared in behalf of himself and spoke in support of the application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of Sections 48-14C(1)c[1] and 48-14A4 of the Supplementary Yard Regulations pertaining to the construction of a fence which projects closer to the road than the principal structure. Specifically, the applicant is seeking to vary the provisions of Section 48-14(C)(1)(c)[1] which provides that a maximum permissible height of fences located between the principal building and the street or streets on which it fronts shall be 4 ft., except if a lower fence is required by Section 48-14B (an exception which is not relevant to the instant application). Further, the applicant is seeking to vary the provisions of Section 48-14A(4) which provide that no accessory building (which includes the fence in the front yard over 4 ft. high) shall project nearer to the street on which the principal building fronts than such principal building.

3. The evidence presented by the applicant substantiated the fact that a variance for an accessory building (which includes the fence in the front yard over 4 ft. high) which projects nearer to the street on which the principal building fronts than such principal building, contrary to Sections

48-14C(1)(c)[1] and 48-14A(4), would be required in order to permit construction of the proposed 6 ft. high fence in the front yards at his residential dwelling, which otherwise would conform to the bulk regulations in the R-1 zone.

4. The evidence presented by the applicant showed that applicant has a parcel of property which has three (3) front yards pursuant to Section 48-14B(2) and he cannot comply with the Supplementary Yard Regulations concerning fence height because his proposed fence is to be 6 ft. high and will be located in two of his front yards.

5. The evidence presented by the applicant indicated that his residential parcel has frontage on NYS Route 207, Bull Road and Wayland Way. Applicant is concerned with the traffic on three sides of his residential parcel and he fears for the safety of his family and pets since two of the roadways adjoining are well traveled roadways, with speed limits of 40 to 55 mph. Applicant and his family also have to deal with debris which is thrown from passing vehicles onto his property.

6. Applicant proposes to erect a 6 ft. high stockade fence along NYS Route 207 approximately 60 ft. back from the road and along Bull Road approximately 15 ft. back from the road. Such fence location will preserve the existing trees and shrubs along both roads as a buffer and to ameliorate the impact of the fence in said front yards.

7. The applicant stated that he has young children and two dogs and, due to his property having frontage on three roads, two of which are well traveled, he requires a 6 ft. high stockade fence for safety reasons. Applicant has considered a 4 ft. high fence and a chain link fence design but believes that neither will afford adequate protection for his children and pets. Applicant indicated that he requires a 6 ft. high stockade fence because traffic typically passes his home on NYS Route 207 at or above the posted 55 mph speed limit and traffic typically passes his home on Bull Road at or above the posted 40 mph speed limit.

8. Given the layout of the property with three front yards, there is no feasible location for 6 ft. high fencing to protect applicant's children and pets other than in two of said front yards. Applicant indicated that 6 ft. high stockade fencing is the minimum level of protection which he feels is required on this site.

9. The evidence presented by the applicant indicated that the neighborhood surrounding the subject site is devoted exclusively to residential uses and vacant residential lots.

10. Given the proximity of these residential lots to one or more well-traveled roads, the neighborhood seems to share a similar problem of protecting children and pets but the applicant, with frontage on three roads, appears to bear a more severe protection problem than some of his neighbors.

11. Given the safety issue in the neighborhood, and given the preservation of the existing trees and shrubs, and given the set back of the fence from the adjacent streets, it is the

finding of this Board that the applicant's proposed fence will not have an adverse effect on property values in the neighborhood.

12. It is the further finding of this Board that the proposed variance will not adversely impact the public health, safety and welfare.

13. The evidence presented by the applicant substantiated the fact that the impact on the neighboring properties from the fencing will be minimal and the protection which the fence will provide for both his children and the neighborhood children, who come over to play, will be greatly increased.

14. The evidence presented by the applicant further substantiated the fact that the requested variances, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since such fencing appears to be appropriate in this residential neighborhood.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variances are substantial in relation to the regulations for maximum fence height in the front yard, however, it is the conclusion of this Board that the granting of the requested substantial area variances is warranted here because of the fact that applicant has three (3) front yards, two of which are located on well-traveled roadways in the Town of New Windsor. Applicant has small children and pets and in view of the circumstances, 6 ft. fencing is warranted for safety reasons.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is partially a self-created one. The layout of the subject residential lot fronting on three roadways is not a difficulty created by the applicant. The proposed solution, placing a 6 ft. high fence in two front yards, is a self-created difficulty but this Board finds that such solution is a reasonable balancing of applicant's needs with the community's needs and warrants the granting of the requested variances.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

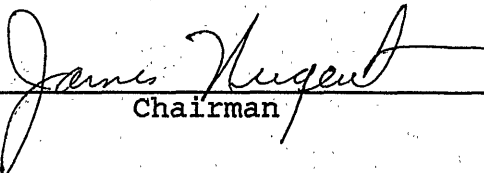
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT permission to applicant to construct a 6 ft. fence on his property in two front yards, contrary to Sections 48-14C(1)c[1] and 48-14A4 of the Supplementary Yard Regulations at the above location in an R-1 zone, as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: November 08, 1993.


Chairman

(ZBA DISK#9-101593.AC)